

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

|                                       |   |                        |
|---------------------------------------|---|------------------------|
| TRUSTEES OF THE AUTOMOBILE            | ) |                        |
| MECHANICS LOCAL NO. 701 UNION AND     | ) |                        |
| INDUSTRY PENSION FUND,                | ) | No. 11 C 1977          |
|                                       | ) |                        |
| Plaintiffs,                           | ) | Judge Lefkow           |
|                                       | ) |                        |
| v.                                    | ) | Magistrate Judge Nolan |
|                                       | ) |                        |
| BOB KRUMPHOLZ, INC. d/b/a CROSSROADS  | ) |                        |
| CHEVROLET-BUICK, INC. and             | ) |                        |
| SCHOENTHALER PARTNERS, a partnership, | ) |                        |
|                                       | ) |                        |
| Defendants.                           | ) |                        |

**MOTION FOR JUDGMENT IN SUM CERTAIN**

NOW COME the TRUSTEES OF THE AUTOMOBILE MECHANICS LOCAL NO. 701 UNION AND INDUSTRY PENSION FUND, by and through their attorneys, JOHNSON & KROL, LLC and pursuant to the Court's April 13, 2012 Order (Docket Entry No. 54), move this Court for entry of Judgment in Sum Certain against the Defendant BOB KRUMPHOLZ, INC. d/b/a CROSSROADS CHEVROLET-BUICK, INC., and in support state as follows:

1. On July 19, 2011, the Plaintiffs filed their First Amended Complaint in the above-captioned matter, adding the Defendant SCHOENTHALER PARTNERS as a Party. (Docket Entry No. 17).
2. On August 3, 2012, the Defendant BOB KRUMPHOLZ, INC. d/b/a CROSSROADS CHEVROLET-BUICK, INC. ("CROSSROADS") filed its Answer to the First Amended Complaint. (Docket Entry No. 20).
3. On or about September 15, 2011, the Defendant SCHOENTHALER PARTNERS filed its Answer to the First Amended Complaint. (Docket Entry No. 28).

4. On September 19, 2011, the Plaintiffs filed its Motion to Strike the Affirmative Defenses and for Judgment on the Pleadings against CROSSROADS and SCHOENTHALER PARTNERS. (Docket Entry No. 29).
5. On April 13, 2012, this Honorable Court entered an Order striking the Affirmative Defenses. In addition, this Honorable Court entered the Motion for Judgment on the Pleadings against CROSSROADS. (Docket Entry No. 54). In its ruling, this Honorable Court stated that “The Fund’s motion for judgment on the pleadings as to Crossroads is therefore granted for all past due interim withdraw liability payments. The Fund is also entitled to recover interest on the missed payments, liquidated damages, and reasonable attorneys’ fees and costs under 29 U.S.C. § 1132(g)(2).”
6. In a January 26, 2010 letter, the Plaintiffs demanded that CROSSROADS and all members of its controlled group make eighty (80) total quarterly payments in the amount of \$10,398.00, beginning on March 1, 2010. Thereafter, CROSSROADS made its first quarterly payment, but since has failed to make any payments.
7. As of April 18, 2012, the Defendant CROSSROADS has failed to pay the quarterly payments in the total amount of \$83,184.00, which were due on the dates and in the amounts set forth below:

| <b>Due Date:</b> | <b>Amount:</b>     |
|------------------|--------------------|
| 6/1/2010         | \$10,398.00        |
| 9/1/2010         | \$10,398.00        |
| 12/1/2010        | \$10,398.00        |
| 3/1/2011         | \$10,398.00        |
| 6/1/2011         | \$10,398.00        |
| 9/1/2011         | \$10,398.00        |
| 12/1/2011        | \$10,398.00        |
| 3/1/2012         | \$10,398.00        |
| <b>Total:</b>    | <b>\$83,184.00</b> |

(Affidavit of Steve Bukovac is attached as Exhibit 1).

8. Pursuant to 29 U.S.C. § 1132(g)(2) and the Trust Agreement, the Plaintiffs are entitled to interest at the prime rate of interest charged by the First National Bank of Chicago, liquidated damages in the amount of 10% of the outstanding payments and the attorney's fees and costs expended by the Plaintiffs.
9. As of April 16, 2012, the Defendant CROSSROADS owes \$2,915.57 in interest and liquidated damages in the amount of \$8,318.40. (Exhibit 1).
10. The Plaintiffs have expended \$52,410.10 in attorney's fees and costs in relation to the withdrawal liability assessment against the Defendants. (Exhibit 1).
11. The Plaintiffs have provided a draft Judgment Order to the Court.

WHEREFORE, the Plaintiffs respectfully request that this Honorable Court enter judgment in favor of the Plaintiffs and against the Defendant CROSSROADS in the total amount of \$146,828.07 and provide such other relief that this Court finds to be just and equitable at the Defendant's cost.

Respectfully submitted,

**TRUSTEES OF THE AUTOMOBILE  
MECHANICS LOCAL NO. 701 UNION  
AND INDUSTRY PENSION FUND**

By: /s/ Jeffrey A. Krol - 6300262  
One of Plaintiff's Attorneys

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